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LOK SABHA

The following Report of the Select Committee on the Proceedings of Legislatures (Protection of Publication) Bill, 1956 was presented to Lok Sabha on 1st May, 1956:—

Composition of the Select Committee

1. Shri K. S. Raghavachari—*Chairman*
2. Shri Hari Vinayak Pataskar
3. Dr. Ram Subhag Singh
4. Shri Tribhuan Narayan Singh
5. Shri Ganesh Sadashiv Altekar
6. Shri Narhar Vishnu Gadgil
7. Shri Nemi Chandra Kasliwal
8. Shri Bhagwat Jha Azad
9. Shri Abdus Sattar
10. Shri Balkrishna Sharma
11. Shri Kamakhya Prasad Tripathi
12. Dr. Shaukatullah Shah Ansari
13. Shri A. M. Thomas
14. Shri Feroze Gandhi
15. Shri R. Venkataraman
16. Shrimati Subhadra Joshi
17. Shri Radhelal Vyas
18. Shri Paidi Lakshmayya

19. Shri Tekur Subrahmanyam
20. Shri Shankar Shantaram More
21. Shri Jaipal Singh
22. Shrimati Renu Chakravartty
23. Shri K. Ananda Nambiar
24. Shri Amjad Ali
25. Shri Bhawani Singh
26. Dr. A. Krishnaswami
27. Shri N. C. Chatterjee
28. Shri A. E. T. Barrow
29. Shri Fulsinhji B. Dabhi
30. Shri Shivram Rango Rane

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary & Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

Report of the Select Committee

I, the Chairman of the Select Committee to which the *Bill, by Shri Feroze Gandhi, to protect the publication of reports of proceedings of Parliament, State Legislatures and their Committees was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 24th February, 1956.

3. The motion for consideration of the Bill was moved on the 23rd March, 1956 and discussed in the House on the 23rd March as well as the 6th April, 1956.

4. The Bill was, however, referred to the Select Committee on the 6th April, 1956 [*Vide* motion adopted by the House (Appendix I)].

5. The Committee held five sittings in all.

6. The first sitting of the Committee was held on the 21st April, 1956 to draw up a programme of work.

7. The Committee considered the Bill clause by clause at the sittings held on the 23rd, 24th and 25th April, 1956.

8. The Committee considered and adopted the Report on the 27th April, 1956.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Clause 1.*—The amendment is consequent upon the amendment suggested in Clause 3 to the effect that the provisions of the Bill should be confined to the publication of reports of proceedings of Parliament only.

11. *Clause 2.*—The definition of 'newspaper' has been slightly modified to bring it in conformity with the definition of 'newspaper' given in the Press and Registration of Books Act, 1867.

*Published in Part II—Section 2 of the *Gazette of India, Extraordinary*, dated the 24th February, 1956.

12. *Clause 3.*—The Committee are of opinion that the provisions of the Bill should be confined to reports of proceedings of either House of Parliament only and that it should be left to the States to enact, if they so think fit, similar laws concerning the publication of reports of proceedings of the State Legislatures. Sub-clause (1) has, therefore, been amended accordingly.

The Committee also consider that the privilege in respect of the publication of reports of proceedings of Parliament should extend to all civil and criminal proceedings. This has been clarified by inserting the words "civil or criminal".

The amendments made in sub-clause (2) are of a drafting nature.

13. The Select Committee recommend that the Bill as amended be **passed**.

NEW DELHI;
The 27th April, 1956.

K. S. RAGHAVACHARI,
Chairman,
Select Committee.

Minute of Dissent

Though it is no pleasure to differ from our brother members of the Committee, yet we feel that we should voice one point of disagreement from the rest.

The Bill as originally placed before the Committee contained the provision of being applicable to State Legislatures as well. It has now been confined to the Houses of Parliament alone. It is in the interest of good working of the Legislatures of the country uniformly that we are constrained to suggest that the provisions of this Bill should apply equally to the State Legislatures.

This will further the cause of democracy, and serve the growth of healthy democracy for which this right is sought to be given to the Press.

The States have expressed their opinion. The opinions so expressed give us an idea that almost two-thirds of the total number of such States have expressed in favour of it, including neutrals.

We hope and believe that Government of India will take necessary initiative to secure the consent of the State Governments with a view to extend the provisions of this Bill to the publication of the proceedings of the State Legislatures.

AMJAD ALI.

K. ANANDA NAMBIAR.

BALKRISHNA SHARMA.

S. S. MORE.

NEW DELHI;
The 27th April, 1956.

THE PROCEEDINGS OF LEGISLATURES (PROTECTION OF PUBLICATION) BILL, 1956

(AS AMENDED BY THE SELECT COMMITTEE)

*(Words underlined indicate the amendments suggested by the
Committee; asterisks indicate omissions.)*

BILL No. I-A OF 1956

A

BILL

to protect the publication of reports of proceedings of Parliament,

* * * * *

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Parliamentary Proceedings * * Short title
(Protection of Publication) Act, 1956. and extent.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, “newspaper” means any printed periodical work Definition.
containing public news or comments on public news, and includes
a news-agency supplying material for publication in a newspaper.

10 3. (1) Save as otherwise provided in sub-section (2), no person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament, * * * * * Publication of reports of Parliamentary proceedings privileged.
unless the publication is proved to have been made with malice.

15 (2) Nothing in sub-section (1) shall be construed as protecting the publication of any matter, the publication of which is not for the public good.

Act also to
apply to
parliament-
ary proce-
ding broad-
cast by
wireless
telegraphy.

4. This Act shall apply in relation to reports or matters broad-
cast by means of wireless telegraphy as part of any programme or
service provided by means of a broadcasting station within the
territories to which this Act extends as it applies in relation to
reports or matters published in a newspaper.

5

M. N. KAUL,
Secretary.

